

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

JERRY A. BRABAZON
individually and on behalf
of all others similarly situated,

Case No. 10-C-0714

Plaintiff,

vs.

AURORA HEALTH CARE, INC.

Defendant.

PROPOSED NOTICE OF PENDENCY OF LAWSUIT

TO: ALL CURRENT AND FORMER AURORA SECURITY OFFICES

Because you were employed by Aurora Health Care, Inc. (Aurora) as a security officer, you are receiving notice of this collective action overtime and minimum wage lawsuit. The purpose of this notice is to advise you of how your rights may be affected by this lawsuit and to inform you of how to participate in this action.

NATURE OF THIS CASE

The Named Plaintiff filed this action against Aurora on behalf of himself and all others similarly situated on August 20, 2010, his first Amended Complaint was filed on December 3, 2010. The potentially similarly situated group, hereafter referred to as Aurora security officers, is defined as:

All persons who have been or are employed by Aurora as security officers and were denied minimum and/or overtime wages for on duty meal periods at any time three years prior to the commencement of this lawsuit to the present.

The Named Plaintiffs' complaint alleges that these Aurora security officers are owed overtime pay under the federal Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 207, for certain hours worked in excess of forty (40) per week, and minimum wages for uncompensated hours pursuant to 29 U.S.C. § 206, including those hours worked during on-duty meal periods. In addition to payment of overtime and

minimum wages, the Named Plaintiff seeks an equal amount as liquidated damages, as well as attorney's fees and costs. Aurora denies liability for these overtime wages, minimum wages, and other damages.

YOUR ELIGIBILITY

The Court has ordered that this notice be sent to the following individuals:

All persons who have worked for Aurora as a security officer at any time from August 20, 2007 to the present.

YOUR RIGHT TO PARTICIPATE

If you are eligible under the above criteria, you may choose to participate by signing and returning the attached "Plaintiff Consent Form" to the following address:

HAWKS QUINDEL, S.C.
Attn. David C. Zoeller
222 W. Washington Avenue. Suite 450
Madison, Wisconsin 53703

Consent forms postmarked after (90 Days from Date of Mailing) are not timely, and will not be filed with the court.

EFFECT OF JOINING OR NOT JOINING

If you join this matter, you (and Defendant) will be bound by any ruling judgment, award or settlement reached in this case. If you do not choose to join this lawsuit, you will not be bound by any ruling, judgment, award, or settlement reached.

If you join, your right to continue to participate in this case will depend on the Court's ruling that the Plaintiffs are similarly situated, and that this case is appropriate to proceed as a collective action.

STATUTE OF LIMITATIONS

Under federal overtime law, you are able to recover overtime and minimum wages for two or three years prior to the date you file your consent form with the court. If you do not choose to participate, or to bring your own lawsuit, some or all of

your overtime or minimum wage claim may be barred by the applicable two or three year statute of limitations.

NO RETALIATION

The law prohibits retaliation against an employee for exercising their rights under the FLSA. Therefore, Aurora is prohibited from discharging you or retaliating against you because you choose to participate in this lawsuit.

YOUR LEGAL REPRESENTATION

If you choose to participate in this action, you will also be agreeing to representation by Plaintiff's counsel, Hawks Quindel, S.C. Your attorneys are being paid on a contingency fee basis, which means that if there is no recovery for the Plaintiffs, there will be no attorneys' fees. In the event there is a recovery, Plaintiff's attorneys will receive part of that settlement or judgment. The terms and conditions of representation are contained in a fee agreement to be entered into by you and Plaintiff's attorneys.

QUESTIONS

Please direct any inquiries about this lawsuit or this notice to:
Hawks Quindel, S.C., (608) 257-0040.

THIS NOTICE AND ITS CONTENT HAS BEEN APPROVED BY THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN, THE HONORABLE J.P. STADTMUELLER UNITED STATES DISTRICT COURT JUDGE. THE COURT HAS MADE NO DECISION IN THIS CASE ABOUT THE MERITS OF PLAINTIFF'S CLAIMS OR DEFENDANTS' DEFENSES.

PLAINTIFF CONSENT FORM

I hereby consent to make a claim against Aurora Health Care, Inc. (Aurora) for overtime and minimum wage pay. During the past three years there were weeks that I worked over 40 hours as a security officer for Aurora, including time worked during on-duty meal periods, and did not receive overtime compensation for those hours. During the past three years there were hours that I worked for Aurora which were not compensated, and for which I received less than the minimum wage, including time worked during on-duty meal periods.

Signature and Date

Print Name

Address

City, State, Zip Code

Home Telephone

Mobile Telephone

E-Mail Address

Emergency Contact (and phone number)

Fax, Mail or Email to:
Hawks Quindel, S.C.
Attn: David C. Zoeller
222 W. Washington Avenue, Suite 450
Madison, Wisconsin 53703
Fax: (608) 256-0236
Telephone: (608) 257-0040
Email: dzoeller@hq-law.com
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